UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DAVID E. MACK
Plaintiff,

vs.

UNITED RECOVERY SYSTEMS, LP
Defendant.

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Case No. 4:12cv303

JUDGE RON CLARK

Jury Demand

DECLARATION OF ATTORNEY KANDY E. MESSENGER, COUNSEL FOR DEFENDANT, IN SUPPORT OF DEFENDANT'S RESPONSE IN OPPOSITION OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

On this day, December 21, 2012, I, Kandy E. Messenger, declare under penalty of perjury, as provided for by the laws of the United States, 28 U.S.C. §1746, that the following statements are true and correct.

1. My name is Kandy E. Messenger. I am over 18 years of age, of sound mind, and capable of making this declaration. I am an attorney with the law firm of Sprott Rigby Newsom Robbins & Lunceford, PC, counsel of record for Defendant in the above-referenced matter. I submit this declaration I support of Defendant's response in opposition of Plaintiff's Motion for Summary Judgment and Memorandum in support. the facts stated in this declaration are within my personal knowledge and are true and correct, and I have personally been involved in all of the discovery proceeding that may be referred to herein.

2. According to Plaintiff's Motion for Summary Judgment, he sent one email to URS' counsel alleging that he did not receive disclosures and no documents were attached to URS' discovery response. However, I personally made several attempts to reach Plaintiff via telephone in an attempt to discuss and resolve any issues he had with discovery. I personally prepared and mailed the discovery responses. My records show that the documents referenced in the discovery responses were attached to the discovery responses. My records show that Initial Disclosures were sent to Plaintiff in September via US Regular mail and no discovery responses were returned to my office. Nevertheless, I have resent the discovery responses to Plaintiff via Certified Mail Return Receipt Requested No. 7012 2210 0001 2268 4815.

3. At no time have I received any telephone calls from Plaintiff regarding the discovery responses or the lack of any such documents. At no time have I received a request from Plaintiff to "meet and confer" to discuss the discovery responses. My legal assistant also never received any correspondence or telephone calls from Plaintiff regarding any discovery issues.

Executed on this day 21st of December 2012, in Harris County, Texas.

Kandy E. Messenger